SUPPLEMENTAL MATERIAL SEPTEMBER 18, 2003 SPECIAL CITY COMMISSION MEETING

R5 - Ordinances

An Ordinance Amending Chapter 50 Of The City Of Miami Beach Code By Amending Section 50-3 Thereof Entitled "Plans Examination, Inspections, Permits", And By Amending Appendix A Entitled "Fee Schedule", By Amending Sections 50-3(b) Through 50-3(n) Entitled "Chapter 50: Fire Prevention And Protection", Providing For An Increase In Permit And Inspection Fees For Fire Permits And For Other Fire Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. (Page) 5:01 P.M. Second Reading, Public Hearing.

(Ordinance)

	ORDINANCE	NO.
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AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 50 OF THE CITY OF MIAMI BEACH CODE ENTITLED "FIRE PREVENTION AND PROTECTION", BY AMENDING SECTION 50-3 THEREOF, ENTITLED "PLANS EXAMINATION, INSPECTIONS, PERMITS" BY DELETING SUBSECTIONS 50-3(a) THROUGH (n) IN TOTO AND REPLACING SAME WITH SUBSECTIONS 50-3(a) THROUGH (v), AND BY AMENDING APPENDIX A THERETO, ENTITLED "FEE SCHEDULE"; BY PROVIDING FOR AN INCREASE IN PERMIT AND INSPECTION FEES FOR FIRE PERMITS AND FOR OTHER FIRE DEPARTMENT ACTIVITIES FOR SUBSECTIONS 50-3(a) THROUGH (v); PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has not increased permit fees since September 16, 1992, and the cost associated with running the fire plan review section of the Fire Department has increased significantly since that time; and

WHEREAS, the City's consultant, JRD & Associates, Inc., has analyzed the City's permit fees and compared them to similar fees charged by other municipalities and has recommended a 15% increase across the board and, where necessary, additional increases to make fees comparable with other municipalities; and

WHEREAS, on July 16, 2002, the City's Finance and Citywide Projects Committee directed the City Administration to draft an amendment to the fire permit fee ordinance, increasing fees by 15% in order to recover some of the costs associated with running the fire plan review section of the Fire Department; and

WHEREAS, the City Administration recommends that the City Commission approve the proposed Ordinance, which would amend Section 50-3 of Chapter 50 of the City of Miami Beach Code, entitled "Plans Examination, inspections, permits" by deleting subsections 50-3(a) through (n) in toto and replacing same with subsections 50-3(a) through (v), and amending Appendix A entitled "Fee Schedule" consistent therewith to provide for an increase in fees for Fiscal Year 2003-2004.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. AMENDMENT OF Section 50-3 of Chapter 50

That Subsections 50-3(a)-(n) of the Code of the City of Miami Beach are hereby deleted in toto and replaced with the following language and subsections 50-3(a)-(v):

Chapter 50

FIRE PREVENTION AND PROTECTION

Sec. 50-3. Plans examination, inspections, permits.

(a) Up-front processing fee. When a building permit application is received at the building services department, the applicant shall pay an up-front processing fee as specified in appendix A. This processing fee is not refundable, but shall be credited toward the final permit fee. This fee is in addition to fees which are required pursuant to chapter 14 of this Code.

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(b) New building and/or additions:
(1) Fees for new building and/or additions are as specified in Appendix A.
(2) For greenhouses and nonresidential buildings used for agricultural purposes and screened enclosures and trailer additions when located on the premises so used, the fee shall be as specified in Appendix A.
(c) New construction other than as specified in this section. See Appendix A.
(d) Alterations and repairs to buildings and other structures. See Appendix A.
(e) Hydrant flow tests unless in conjunction with acceptance test for sprinkler systems. See appendix A.
(f) Acceptance test for sprinkler systems. See Appendix A.
(g) Acceptance test for standpipe systems. See Appendix A.
(h) Acceptance test for alarm systems. See Appendix A.
(i) Fire extinguishing systems. See Appendix A.
(j) Reinspection fee. When extra inspection trips are necessary due to incorrect address given on call for inspection, prior rejection of work due to faulty construction, work not being ready for inspection at time specified, failure to call for final or other inspections, or required corrections not being made or completed at the time specified by the contractor, a fee as specified in Appendix A for each reinspection may be charged to the permit holder in the trade concerned. If it is determined by the field inspector concerned that the job has the same problem after the reinspection fee is assessed and paid, a second reinspection fee as specified in appendix A shall be charged. Payment of the reinspection fee shall be required before any permits will be issued to the person owing the fee. Further inspection may be refused until payment of reinspection fees has been made.
(k) Special inspection fee. A fee equal to actual staff time and related costs shall be assessed for special inspections that are outside the normal scope of fire department work. A minimum fee as specified in appendix A shall be charged. Requests submitted by developers, attorneys, realtors or contractors to inspect a building to determine existing violations shall be considered special inspections.
(I) Periodic fire standpipe system test. On existing buildings, this test is required every two years. See Appendix A.
(m) Fireworks permit, public display. See appendix A.
(n) Open burning permit. See Appendix A.
(a) Levied. Permits, inspections and other fees of the Fire Department of the City are hereby levied and imposed and shall apply to building and fire permits and other activities undertaken by that Department.
(b) Double fees. When work for which a permit is required is commenced prior to the obtaining of a permit, the permit applicant shall be required to pay a double permit fee as specified in this article. The payment of the required fee shall not relieve any person, firm or corporation from fully complying with all

subsequent offense, the permit applicant shall be required to pay twice the double permit fee.

of the applicable regulations and codes, nor shall it relieve them from being subject to any of the penalties therein. The double fee requirement shall be applicable as noted herein. For a second offense of doing work without a permit, the permit applicant shall be required to pay twice the double permit fee. For each

- (c) Reinspection fee. When extra inspection trips are necessary due to an incorrect address given on a call for inspection, prior rejection of work due to faulty construction, work not being ready for inspection at the time specified, failure to call for final or other inspections, or required corrections not being made or completed at the time specified by the contractor, a fee as specified in Appendix A for the second reinspection may be charged to the permit holder in the trade concerned. Payment of the reinspection fee shall be required before any permits will be issued to the person owing the fee. Further inspection may be refused until payment of reinspection fees has been made.
- (d) Lost plans fee. When permitted plans for fire protection systems are lost by the applicant(s), owner(s), contractor(s), or any other representative of the project, a recertification fee will be required to review, stamp and approve a new set of plans as a field copy. Such fee shall be based on 25 percent of the original fire permit fee as specified in Appendix A.
- (e) Revised plans processing fee. The charge for plans processing of revisions to plans re-processed and permitted shall be based on total actual time spent on review by plans examiners multiplied by plans review fee hourly rate as specified in Appendix A.
- (f) Lost permit card fee. If the permit inspection card is lost after the permit has been issued, a replacement fee as specified in Appendix A shall be charged. This fee is charged to cover the cost of researching inspection approvals and re-signing the card.
- (g) Special inspection fee. A fee equal to actual staff time and related costs shall be assessed for special inspections that are outside the normal scope of fire department work. A minimum fee as specified in Appendix A shall be charged. Requests submitted by developers, attorneys, realtors or contractors to inspect a building to determine existing violations shall be considered special inspections.
- (h) Inspection fee hourly rate. The inspection fee hourly rate, as specified in Appendix A, is determined at the beginning of each fiscal year based on the Department's total projected expenditures, indirect costs and the resources assigned to the inspection program.
- (i) Plans review fee hourly rate. The plan review fee hourly rate, as specified in Appendix A, is determined at the beginning of each fiscal year based on the Department's total projected expenditures, indirect costs and the resources assigned to the plans review program.
- (j) Plans re-review fee. When extra plans reviews are due to the failure to correct a code violation specifically and continuously noted in each rejection, a fee shall be charged as specified in Appendix A. Each time after the third such review that plans are rejected for the same code violation, a fee of four times the cost associated with the specific plans review shall be charged. The cost is calculated based on the actual time spent by plans examiners multiplied by the plans review fee hourly rate, as specified in Appendix A.
- (k) Temporary Certificate of Occupancy inspection fee. Whenever the contractor requests a temporary certificate of occupancy that requires a fire inspection approval, a fee shall be charged as specified in Appendix A.
- (I) Refunds, time limitations, cancellations. The fees charged pursuant to this Code, may be refunded by the Fire Official subject to the following:
 - (1) No refunds shall be made on requests involving:
 - (a) Permit fees of \$75.00 or less; or
 - (b) Permits revoked by the Fire or Building Officials; or
 - (c) Permits cancelled by court order; or
 - (d) Permits which have expired; or

- (e) Permits under which work has commenced as evidenced by any recorded inspection having been made by the Department.
- (2) A full refund shall be granted to a permit holder who takes out a permit covering work outside the jurisdictional inspection area.
- (3) A full refund less \$75.00 or 30 percent of the permit fee, whichever amount is greater, rounded down to the nearest dollar shall be granted to a permit holder who requests a refund in writing, provided:
 - (a) That the permit holder makes a written request prior to the permit expiration date; and,
 - (b) That a validated copy of the permit be submitted with such request; and,
 - (c) That no work, as evidenced by any recorded inspection, has commenced under such permit.
- (4) Where there is a change of contractor involving a permit for which a fee of more than \$50.00 was paid:
 - (a) The original permit holder:
 - 1. Is not entitled to any refund if the permit has expired or if work, as evidenced by any recorded inspection, has commenced under such permit;
 - 2. Is entitled to a full refund, where the permit has not expired and no work, as evidenced by any recorded inspection, has commenced.
 - (b) The second permit holder shall pay:
 - 1. A full fee if the original permit has expired; or
 - 2. A fee specified in Appendix A to cover the cost of transferring the data from the original to the second permit and processing the second permit in instances where work, as evidenced by any recorded inspection, has commenced under the original unexpired permit;
 - 3. A full fee as specified in Appendix A to cover the transferring and reprocessing costs where no work, as evidenced by any recorded inspection, has commenced under the original unexpired permit.
- (5) A fee as specified in Appendix A shall be paid by the permit holder who submits a written request for a permit extension.
- (6) Where a permit has become null and void or expires, and no work, as evidenced by at least one recorded inspection, has been made by the Department, a credit of 50 percent of the original permit fee covering the same project and involving the same plans shall be given, provided that a complete reapplication is made within 180 days of the expiration date of the original permit and provided that no refund has been made according to this section. The reapplication must be submitted with the plans and the applicant's validated copy of the original permit. The amount of this fee shall be, at least, equal to or higher than the minimum fee for the trade concerned.
- (m) New building and/or additions:
 - (1) Fees for new building and/or additions are as specified in Appendix A.
 - (2) For greenhouses and nonresidential buildings used for agricultural purposes, and screened enclosures and trailer additions when located on the premises so used, the fee shall be as specified in Appendix A.
- (n) New construction other than as specified in this section. See Appendix A.
- (o) Alterations and repairs to buildings and other structures. See Appendix A.

- (p) Hydrant flow tests unless in conjunction with acceptance test for sprinkler systems. See Appendix A.
- (q) Plan Review and Acceptance test for sprinkler or standpipe systems. See Appendix A.
- (r) Plan Review and Acceptance test for alarm systems. See Appendix A.
- (s) Fire extinguishing systems. See Appendix A.
- (t) Periodic fire standpipe system test. On existing buildings, this test is required every two years. See Appendix A.
- (u) Fireworks permit, public display. See Appendix A.
- (v) Open burning permit. See Appendix A.

SECTION 2. AMENDMENT OF APPENDIX A TO SECTION 50-3 OF CHAPTER 50

That Appendix A to Section 50-3, entitled "Fire Prevention and Protection" is hereby amended as follows:

APPENDIX A-FEE SCHEDULE

FEE SCHEDULE

This appendix includes all fees and charges established by the City Commission that are referred to in the indicated sections of the Code of Ordinances:

Chapter 50. Fire Prevention and Protection

Section of City Code	Description	Amount
50-3(a)	Up-front processing fee, the greater of:	0.50
	Per 110 square feet or part thereof	0.50
	Per \$1,000.00 or part thereof	0.50
<u>50-3(d)</u>	Lost plan fee	25% of original permit fee
<u>50-3(e)</u>	Revised plan processing fee	Based on actual time spent by plans examiner multiplied by plans review fee hourly rate (rounded to nearest 15 minutes)

<u>50-3(f)</u>	Lost permit card fee:		
	Research per hour (Minimum of one hour)	30.00	
<u>50-3(h)</u>	Inspection hourly rate:	<u>50.00</u>	
	The inspection fee hourly rate is calculated at the beginning of each fiscal year by the Building Department.		
<u>50-3(i)</u>	Plan review hourly rate:	<u>50.00</u>	
	The plan review fee hourly rate is calculated at the beginning of each fiscal year by the Building Department.		
<u>50-3(j)</u>	Plan re-review fee:	Based on 4 times the cost of plan review, which is actual time spent by plans examiner times plan review hourly rate.	
<u>50-3(k)</u>	Temporary certificate of occupancy inspection (No fee charged if final certificate of occupancy is less than \$100.00)	<u>50.00</u>	
<u>50-3(I)</u>	Transfer of data from original to second permit holder, where no work has commenced	<u>115.00</u>	
	Transfer of data from original to second permit holder, where work has commenced	<u>150.00</u>	
	Request for permit extensions	<u>75.00</u>	
50-3 (b) (m)	New building and/or additions:		
50-3 (b)(m) (1)	For each 100 square feet or part of floor area	0.95	<u>1.10</u>
	Minimum	30.00	35.00
	Buildings for storage and industrial uses in Groups E and F occupancies.		
	For each 100 square feet, up to 20,000 square feet	0.95	
	For each additional 100 square feet	0.50	
50-3 (b)(m) (2)	For greenhouses and nonresidential buildings used for agricultural purposes and screened enclosures and trailer additions on the same	0.50	<u>0.55</u>

premises, per 100 square feet of floor area

50-3 (c) (n)	Other new construction:		
00 0(0)(11)	Other new constitution.		
	Water towers, pylons, bulk storage, tank foundations, seawalls, bulkheads, unusual limited-use buildings, freestanding rigid canopies, marquees and similar construction, for each \$1,000.00 of estimated cost or fractional part	0.95	<u>1.10</u>
	Except for each service station underground storage tank and each approved fallout shelter conforming to the specifications established by the Civil Defense and Mobilization Agency and the South-Florida Building Code	9.50	<u>11.00</u>
50-3 (d) (o)	Alterations and repairs to buildings and other structures:		
	Up to \$1,000.00 of estimated cost or fractional part	4.75	<u>5.50</u>
	For each additional \$1,000.00 of estimated cost or fractional part	0.95	<u>1.10</u>
50-3 (e) (<u>p)</u>	Hydrant flow tests unless in conjunction with acceptance test for sprinkler systems	150.00	<u>170.00</u>
<u>50-3(q)</u>	Plan review fee for sprinkler or standpipe systems:		
	Fire sprinkler system connection to City Water	65.00	<u>75.00</u>
	Water supply to fire pump or system	40.00	45.00
	Each standpipe	65.00	<u>75.00</u>
	Each hose rack	20.00	<u>25.00</u>
	Each sprinkler head	1.50	<u>1.70</u>
	Fee for work not listed above is based on 4% of estimated value of work.		
	Minimum fee	35.00	<u>40.00</u>
50-3 (f) (q)	Acceptance test for sprinkler <u>or standpipe</u> systems	150.00	<u>170.00</u>
	Fire Pump test	50.00, per hour	<u>130.00</u>
50-3 (g)	Acceptance test for standpipe systems	150.00	
<u>50-3(r)</u>	Plan review fee for fire alarm systems:		

	Installation of Fire Alarm panel, each	30.00	
	Smoke detector, each	3.00	
	Speaker or horn, each	<u>3.00</u>	
	Strobe, each	3.00	
	Bell alarm, each	3.00	
	Pull station, each	3.00	
	Fee for work not listed above is based on 4% of estimated value of work.		
	Minimum fee	40.00	
50-3 (h) (r)	Acceptance test for alarm systems:		
	1 and 2 floors	50.00	<u>55.00</u>
	3 to 5 floors	75.00	<u>85.00</u>
	6 floors and above	150.00	<u>170.00</u>
50-3 (i)(s)	Each automatic fire extinguishing system excluding sprinkler systems, such as carbon dioxide, dry chemical, halon, etc	75.00	85.00
50-3 (j) (<u>c)</u>	Reinspection fee:		
	First reinspection fee	25.00	<u>0.00</u>
	Second reinspection fee	50.00	*based on 4 times the cost of the 1st inspection or 1st re- inspection, whichever is greater
	Subsequent reinspections fee		*based on 4 times the cost of the 1st inspection or 1st re- inspection, whichever is greater
	*cost of inspection is calculated based on the		

^{*}cost of inspection is calculated based on the actual time spent by the inspector multiplied by the inspection hourly rate (rounded to nearest 15 minutes).

50-3 (k) (g)	Special inspection fee: Equal to actual staff time and related costs; Minimum fee per hour	20.00	<u>25.00</u>
50-3 (l)<u>(t)</u>	Periodic fire standpipe system test:		
	Single riser	125.00	<u>140.00</u>
	Each additional riser	25.00	
50-3 (m)(u)	Fireworks permit, public display	45.00	<u>50.00</u>
50-3 (n) (v)	Open burning permit	4 5.00	<u>50.00</u>

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity or the remaining portions of this ordinance.

SECTION 5. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby Ordained the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on	_, 2003.
PASSED and ADOPTED this day of	, 2003.
Attest:	
	Mayor
CITY CLERK	
1st reading September 4, 2003 2 nd reading	APPROVED AS TO

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City Astorney Date Date

& FOR EXECUTION